

Permit No. \_\_\_\_\_

**Checklist for Right-Of-Way Permit Application**

- Application must be filled out completely with all required documents attached including engineered plans.
- Application Fee \$100.00
- A \$5000.00 bond is required.
- Insurance Certificate is required.
- Dig Safe No.
- Sketch or Drawing showing proposed work with limits clearly identified. Approved engineered drawings will be required as determined by the Town.
- Silt Sack and/or other treatment for any nearby catch basin(s) as deemed necessary to be placed prior to approval. Silt sacks must be maintained throughout all periods of construction activity. (See detail)
- Review by the Town of Seekonk Conservation Agent will be required to determine whether there are any potential impacts under their jurisdiction. Any requirements of the Conservation Commission must be met prior to performing any construction activity in any identified areas of concern.
- No Excavations will be allowed between November 15<sup>th</sup> and March 31<sup>st</sup>.
- Trench Permit required per MGL Chapter 82A    \_\_\_Yes    \_\_\_No

Additional Notes: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_





PERMIT #: \_\_\_\_\_

**TOWN OF SEEKONK  
RIGHT-OF-WAY OPENING PERMIT**

**APPLICANT INFORMATION**

Applicant Name: \_\_\_\_\_ Date: \_\_\_\_\_

Address: \_\_\_\_\_ Phone: \_\_\_\_\_

**PERMIT INFORMATION**

Dig Safe Number: \_\_\_\_\_

Permit Address(es) (Limits of Work): \_\_\_\_\_

Anticipated Start Date: \_\_\_\_\_ Completion Date: \_\_\_\_\_

Description of Work: \_\_\_\_\_

Attach engineered plans showing the location and extent of the proposed work.

- The Town of Seekonk requires a signed copy of this permit to be with the operator or Foreman on site at all times
- A (5) year moratorium is in place for any road that has been recently paved. The moratorium takes effect once the final paving of the surface course is complete.

The Applicant hereby agrees to conform to the statutes, bylaws, and/or specifications and rules and regulations of the Commonwealth of Massachusetts and the Town of Seekonk, including those terms and conditions set forth below as well as on the back side of this application now and hereafter in force relative to restoring the right of way to a satisfactory condition and to protecting the public by adequate lighting and safeguards. The applicant further agrees to indemnify and hold harmless the Town of Seekonk from any and all loss, damage and expense sustained by reason of any act or omission by the permit hereunder.

Applicant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**INFORMATION BELOW TO BE FILLED IN BY THE TOWN OF SEEKONK**

Permit Number: \_\_\_\_\_ Expiration Date: \_\_\_\_\_

\$5,000.00 Bond:  Paid      Conditions of Approval Required ('Attachment A'): Yes / No

Road Under Five (5) Moratorium: Yes / No    If yes, Begin Date: \_\_\_\_\_ End Date: \_\_\_\_\_

Special Requirements: Flowable Fill: Yes / No      Infrared: Yes / No

Other Requirements: \_\_\_\_\_

Reviewed by Conservation Agent(Initials): \_\_\_\_\_ Date: \_\_\_\_\_

Concerns if Applicable: \_\_\_\_\_

A permit is hereby granted to the applicant to open, occupy, and conduct work described herein, subject to all conditions set forth therein

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Public Works Superintendent



PERMIT #: \_\_\_\_\_

## TOWN OF SEEKONK RIGHT-OF-WAY OPENING PERMIT

### Terms and Conditions

Approval, if given by the Town of Seekonk and accepted by said applicant shall be upon these expressed conditions: That said applicant shall conform to the Statutes and By-laws of the Commonwealth of Massachusetts and Town of Seekonk, respectively, in effect, and that may hereafter be in effect; that this permit may be revoked at any time by the Superintendent of Public Works; that between the hours of twilight and sunrise, the applicant will cause the road/sidewalk area to be safely marked by suitable signage or lighting and any excavated area to be completely filled or securely covered to allow for suitable vehicular or pedestrian traffic; that during the workday period, the applicant shall have a suitable traffic control presence as determined by the Seekonk Police Department and that before any work is started under this application, the applicant shall, if requested by the Town of Seekonk, provide a bond or insurance policy, in an amount and in such insurance company as determined by the Town with the Town named as a party insured against liability or indemnified for any or all damage or injury which may result to any property or party due to the work project or operation of the applicant, its agents or subcontractors.

By signing this application, the Applicant acknowledges and accepts all terms and conditions set forth in the Town of Seekonk By-Law Category 18 – Right-of-Way Opening.

All permit applications must be accompanied with a valid dig safe number and schematic of the Right-Of-Way opening with dimensions clearly shown, including limits of work.

EXCEPTIONS: NO RIGHT-OF-WAY OPENING PERMIT SHALL BE GRANTED BY THE TOWN ON ANY ROADWAY SURFACE THAT HAS BEEN RESURFACED WITHIN THE PAST FIVE (5) YEARS UNLESS A DEMONSTRATED EMERGENCY EXISTS. ANY SUCH CONSIDERATION MUST BE PRESENTED TO THE BOARD OF SELECTMEN.

NO RIGHT-OF-WAY OPENING PERMIT SHALL BE GRANTED BY THE TOWN WHEREBY THE REQUESTING PARTY HAS THE ABILITY TO BORE UNDER THE ROAD SURFACE TO EFFECTUATE REPAIRS, INSTALLATIONS, ETC. DOCUMENTATION MUST BE PROVIDED TO THE TOWN TO INDICATE THAT BORING WILL NOT BE SUCCESSFUL AND THAT A RIGHT-OF-WAY OPENING IS NECESSARY.

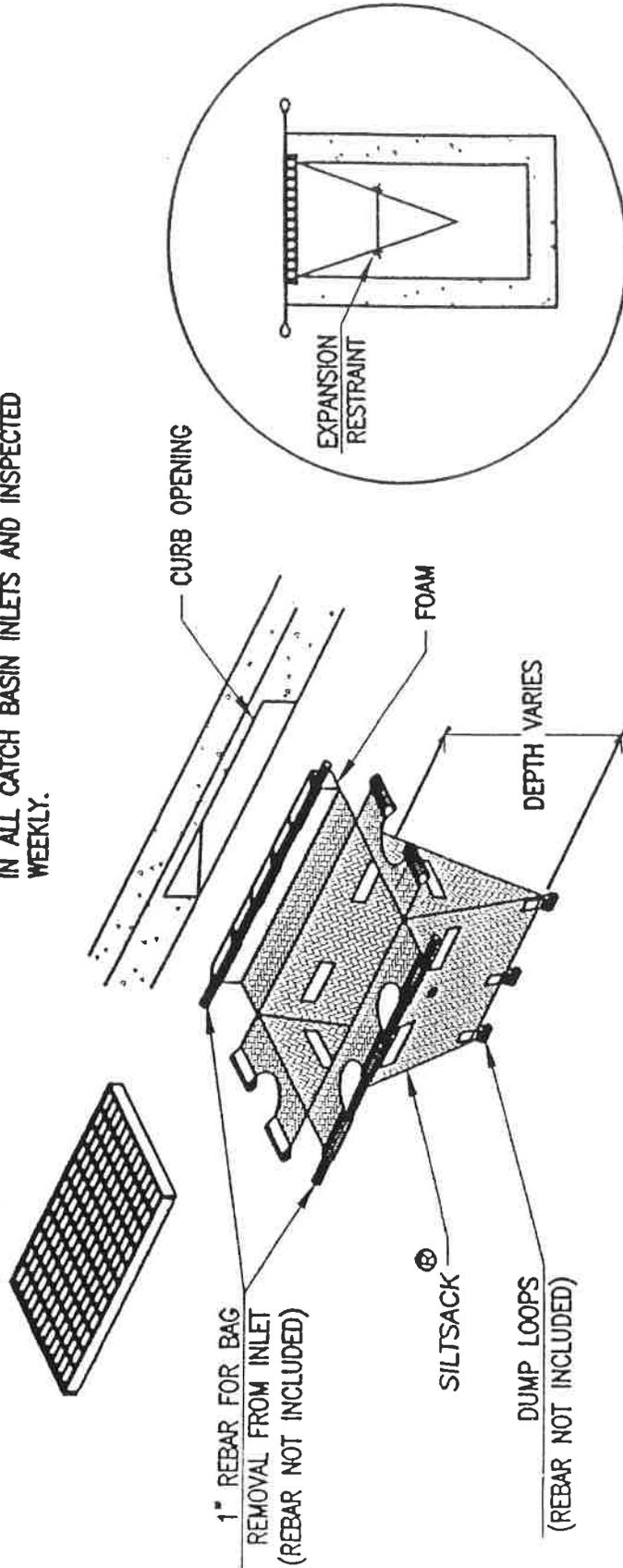
**A bond in the amount of \$5,000.00 is required.** The bond shall be guaranteed for a period of sixty months after the final paving has been installed and accepted by Superintendent of Public Works or his authorized agent, at which time it will be returned to the applicant.

Trenches, sidewalks, gutters, curbing or other work associated with the Right-Of-Way opening that is not properly maintained by the contractor is subject to having the bond attached as reimbursement for work performed by others to maintain said trenches, sidewalks, gutters, curbing or other work associated with the Right-Of-Way opening.

Any temporary patching deemed necessary by the Contractor, shall be maintained in good repair at all times. The Town of Seekonk reserves the right to make any temporary repairs it deems necessary to maintain the street in safe and usable condition and will charge the Applicant for all costs involved with such repair. THE APPLICANT, UNDER WHOSE PERMIT THE CONTRACTOR IS PERFORMING ANY WORK, SHALL BE RESPONSIBLE TO KEEP SUCH EXCAVATION IN GOOD CONDITION FOR A PERIOD OF FIVE (5) YEARS FOLLOWING THE PROJECT COMPLETION.

**NO RIGHT-OF-WAY OPENING PERMIT WILL BE GRANTED BETWEEN NOVEMBER 15<sup>th</sup> and MARCH 31<sup>st</sup>.** Exceptions: On rare occasions, typically requiring a demonstrated emergency A permit may be granted for a specified short duration, based on weather conditions and the availability of hot mix asphalt at the discretion of the Superintendent of Public Works. Such exceptions shall only be accepted as temporary repair treatments.

**NOTE:**  
REGULAR FLOW SILTSACKS SHALL BE INSTALLED  
IN ALL CATCH BASIN INLETS AND INSPECTED  
WEEKLY.





# SILTSACK® Specifications

## Control of Sediment Entering Catch Basins (Stormwater Management)

### 1.0 Description

- 1.1** This work shall consist of furnishing, installing, maintaining, and removing Siltsack® sediment control device as directed by the engineer or as shown on the contract drawings. Siltsack sediment control device is manufactured by:

ACF Environmental, Inc.  
2831 Cardwell Drive  
Richmond, Virginia 23234  
Phone: 800-448-3636  
Fax: 804-743-7779  
www.acfenvironmental.com

### 2.0 Materials

#### 2.1 Siltsack®

- 2.1.1** Siltsack shall be manufactured from a specially designed woven polypropylene geotextile manufactured by SI® Geosolutions and sewn by a double needle machine, using a high strength nylon thread.

SI Geosolutions:



www.sigeosolutions.com  
(800) 621-0444



- 2.1.2** Siltsack will be manufactured to fit the opening of the catch basin or drop inlet. Siltsack will have the following features: two dump straps attached at the bottom to facilitate the emptying of Siltsack; Siltsack shall have lifting loops as an integral part of the system to be used to lift Siltsack from the basin; Siltsack shall have a restraint cord approximately halfway up the sack to keep the sides away from the catch basin walls, this yellow cord is also a visual means of indicating when the sack should be emptied. Once the strap is covered with sediment, Siltsack should be emptied, cleaned, and placed back into the basin.

- 2.1.3** Siltsack seams shall have a certified average wide width strength per ASTM D-4884 standards as follows:

SILTSACK Style	Test Method	Test Method
Regular Flow	ASTM D-4884	165.0 lbs./in
Hi-Flow	ASTM D-4884	114.6 lbs./in

#### SILTSACK Regular Flow

Property	Test Method	Units	Test Results
Grab Tensile	ASTM D-4632	lbs.	315x300
Grab Elongation	ASTM D-4632	%	15x15
Puncture	ASTM D-4833	lbs.	125
Mullen Burst	ASTM D-3786	P.S.I.	650
Trapezoid Tear	ASTM D-4533	lbs.	120x150
UV Resistance	ASTM D-4355	%	90
Apparent Opening	ASTM D-4751	US Sieve	40
Flow Rate	ASTM D-4491	Gal/Min/Ft²	40
Permittivity	ASTM D-4491	sec <sup>-1</sup>	0.55

### or SILTSACK High-Flow

Property	Test Method	Units	Test Results
Grab Tensile	ASTM D-4632	lbs.	255x275
Grab Elongation	ASTM D-4632	%	20x15
Puncture	ASTM D-4833	lbs.	135
Mullen Burst	ASTM D-3786	P.S.I.	420
Trapezoid Tear	ASTM D-4533	lbs.	40x50
UV Resistance	ASTM D-4355	%	90
Apparent Opening	ASTM D-4751	US Sieve	20
Flow Rate	ASTM D-4491	gal/min/ft²	200
Permittivity	ASTM D-4491	sec <sup>-1</sup>	1.5

All properties are Minimum Average Roll Values (MARV)

### 3.0 Construction Sequence

#### 3.1 General

- 3.1.1** To install Siltsack in the catch basin, remove the grate and place the sack in the opening. Hold out approximately six inches of the sack outside the frame. This is the area of the lifting straps. Replace the grate to hold the sack in place.
- 3.1.2** When the restraint cord is no longer visible, Siltsack is full and should be emptied.
- 3.1.3** To remove Siltsack, take two pieces of 1" diameter rebar and place through the lifting loops on each side of the sack to facilitate the lifting of Siltsack.
- 3.1.4** To empty Siltsack, place it where the contents will be collected. Place the rebar through the lift straps (connected to the bottom of the sack) and lift. This will turn Siltsack inside out and empty the contents. Clean out and rinse. Return Siltsack to its original shape and place back in the basin.
- 3.1.5** Siltsack is reusable. Once the construction cycle is complete, remove Siltsack from the basin and clean. Siltsack should be stored out of the sunlight until needed on another project.
- #### 4.0 Basis of Payment
- 4.1** Payment for all Siltsack used during the construction is to be included in the bid price for the overall erosion and sediment control plan unless unit price is requested. Maintenance of Siltsack also to be included in this price.

\* Siltsack is covered by U.S. Patent No. 5,575,925.



- f. A copy of the plans referred to in paragraph d of this subsection, shall be filed by the applicant with the Superintendent of Public Works & the Planning Board of the Town of Seekonk at least twenty one (21) days prior to the date of the public hearing. It shall be the duty of the Superintendent of Public Works and the Planning Board to make written recommendations to the "Board" on the proposed placement.
- g. Statement of origin of fill material.

### **Section 3 – Limitations**

- A. No permit for earth placement shall be issued if such placement will:
  - a. endanger the general welfare or safety or constitute a nuisance,
  - b. will result in detriment to the normal use of adjacent property by reason of noise, dust, or vibration,
  - c. result in traffic hazard in residential areas, or congestion and physical damage to public ways.
- B. No permit for any earth placement shall be issued for more than one (1) year's duration, and may be renewed thereafter.
- C. In approving the issuance of a permit, the "Board" shall impose all reasonable requirements which shall be deemed necessary by the "Board" and may include: grading, seeding, and planting, fencing necessary for public safety, methods of placement, locations and use of structures, hours of operation, routes of transportation of material, control of drainage, disposition of waste material incident to the operation, certification that the fill is in no way hazardous or environmentally unsuitable.
- D. The "Board" may require suitable bond or other security adequate to assure compliance with any of the provisions of this By-law.
- E. A special permit, not requiring a public hearing, shall be issued by the building inspector for the following:
  - a. Placement of earth to a site where a building is under construction pursuant to a building permit to the extent as may be necessary to install the foundation and basement of the building, septic system, sidewalks and driveway.
  - b. Placement of earth to a site where a road is under construction pursuant to a permit or by governmental authority to the extent as may be necessary to complete the project as planned.
  - c. The moving and placement of earth for any municipal purpose by or on behalf of the Town of Seekonk.

### **Section 4 – Validity**

The invalidity of any section of this By-law shall not invalidate any other section or provision thereof.

### **Section 5 – Penalty**

Any person, firm, or corporation willfully violating, disobeying or refusing to comply with any of the provisions of this By law shall be prosecuted under the terms of General Laws, Ter. Ed., c.40, §21, Paragraph 17, and shall be subject to a fine.

The "Board" may revoke or suspend the permit of any person, firm, or corporation holding a permit under this by law if such person, firm, or corporation violates, disobeys, or fails to comply with any of the provisions of this by law.

Any individual who violates this By-law shall be subject to fines in accordance with Category 39 of the By-law and the fine schedule established in Attachment A.

### **CATEGORY 18 – Right-of-Way Opening**

Standards to be employed by Public Utilities and Contractors Restoring Street, Lanes and Highways in Municipalities

### **Section 1 – Purpose and Scope**

1. The purpose of these standards is to ensure that a Utility or Contractor, after excavating in any municipal street, lane and highway ("public ways"), restores such street, lane and highway to the same condition in which they were found before the excavation.
2. Nothing in these standards may be construed to restrict the Constitutional or statutory authority of cities or towns ("Municipalities") with respect to public ways. Nothing in these standards is intended to prevent a utility and the Superintendent from mutually agreeing to exceptions to these standards.
3. Nothing in these standards is intended to be inconsistent with any by-law and the constitution and laws of the State.
4. The Utility or Contractor is responsible for insuring compliance, for itself and its contractors, with these Standards. However, Utility or Contractor work may be inspected by the Town of Seekonk to assure that proper procedures are being followed. In the event a Utility or Contractor fails to comply with these standards a Utility or Contractor shall, at its own expense, correct such failures.

### **Street Restoration Standards**

The Board of Selectmen may promulgate rules and regulations, after conducting a public hearing, that are necessary to administer this bylaw.

### **Section 2 – Definitions**

**"AASHTO"** means The American Association of State Highway and Transportation Officials.

**"Clay"** means very finely textured soil which, when moist, forms a cast which can be handled freely without crumbling/breaking; that exhibits plasticity; and when dried, breaks into very hard lumps (i.e., high dry strength) and is difficult to pulverize into a soft, flour-like powder.

**"Cold Patch"** means a bituminous concrete made with slow curing asphalts and used primarily as a temporary patching material when hot mix plants are closed.

**"Compaction"** means compressing of suitable material and gravels that has been used to backfill an excavation by means of mechanical tamping to within 95% of maximum dry density as determined by the modified Proctor test in accordance with AASHTO, T180.

**"Controlled Density Fill (CDF)"**, also called flowable fill, means a mixture of portland cement, fly ash, sand and water. High air (25% plus) may be used instead of fly ash with an adjustment in sand content. CDF is hand-tool excavatable.

**"Emergency Repair Work"** means street opening work which must be commenced immediately to correct a hazardous condition whose continuation would unreasonably risk injury, loss of life or property damage.

**"Gravel"** means coarse to very coarse-grained soil ranging from approximately 0.1 inch to 3.0 inches. Gravel exhibits no plasticity.

**"Infrared Process"** means a recycling procedure whereby an infrared heater plasticizes the surface of an asphalt pavement, preparatory to the introduction of additional compatible paving materials uniformly re-worked and compacted to achieve a density and profile consistent and thoroughly integrated with the adjacent pavement.

**"Newly Paved Road"** means a road whose pavement surface is less than five years old.

**"Organic Soil"** means soil high in organic content, usually dark (brown or black) in color. When considerable fibrous material is the principal constituent, it is generally classified as "peat." Plant remains or woody structures may be recognized and the soil usually has a distinct odor. Organic soil may exhibit little (or a trace of) plasticity.

**“Permanent Patch”** means a final repair of street opening work to be performed in accordance with these standards and intended to permanently return the opened portion of the roadway to as good a condition as it was prior to the performance of the street opening work.

**“Permit”** means a permit granted by the Town of Seekonk to a Utility or Contractor for permission to do street opening work in a public way.

**“Plasticity”** means that property of soil that allows it to be deformed or molded without crumbling (e.g., like dough or soft rubber). This property reflects the capacity of soil to absorb moisture.

**“Poorly Graded Soil”** means soil that contains a large percentage of its constituent particles within a relatively narrow range; also referred to as “uniform” soil.

**“MassDOT Standards”** means the “Massachusetts Highway Department Standard Specifications for Highways and Bridges”, 1988 (English Edition) and 1995 (Metric Edition) (or most recent edition including Supplemental Specifications dated July 1, 2015, or most recent).

**“Sand”** means coarse grained soil in which the individual grains can be visually detected. When moist, it forms a cast which will crumble when lightly touched; when dry, it will not form a cast and will fall apart when confining pressure is released. Sand exhibits no plasticity.

**“Silt”** means finely-textured soil. When moist, it forms a cast which can be freely handled; when wet, it readily puddles; when dry, it may be cloddy and readily pulverizes into powder with a soft flour-like feel (i.e., low dry strength). Silt exhibits little or no plasticity.

**“Street Opening Work”** means any cutting, excavating, compacting, construction, repair or other disturbance in or under a public way together with restoration of the public way in accordance with these standards, municipal ordinances and any other applicable law following such disturbance.

**“Superintendent”** means the Superintendent of the Department of Public Works of the Town of Seekonk or his/her designee.

**“Temporary Patch”** means the interim application of either cold patch or Type I bituminous concrete compacted to achieve a density equal to that of the surrounding pavement.

**“Utility or Contractor”** means any corporation, partnership or other organization or any individual engaged within the State in any business which is, or the persons engaged in which are, in any respect made subject to the supervision or regulation by the MA PUC. For the purposes of these Standards, a Utility or Contractor shall also mean any person or entity engaged by or on behalf of a Utility or Contractor to perform Street Opening Work.

**“Well Graded Soil”** means soil having its constituent particles within a wide range also referred to as “non-uniform” soil.

### **Section 3 – Permit Requirements**

The Superintendent, upon approval by the Board of Selectmen, may incorporate in permit procedures the portions of these standards that shall apply to Utility or Contractor excavations within the Town of Seekonk’s jurisdiction. A Permit may be issued with the stipulation that it may be modified or revoked with just cause at any time at the discretion of the Board of Selectmen or the Superintendent without rendering the Town of Seekonk liable in any way. It is recognized that the Town of Seekonk shall have the authority to inspect work in progress and the utility shall correct any deficiencies identified during said inspections. The following are the requirements that the Town of Seekonk may require of a Utility or Contractor when granting Permits.

1. The work shall be performed in accordance with plans on file with the Town of Seekonk.
2. The Utility or Contractor shall notify the Superintendent two (2) days prior to the start of work. No work shall be authorized or proceed (except Emergency Repair Work) without said notification.
3. The Utility or Contractor shall notify Dig Safe, in accordance with M.G.L. c.82, §40, at least 72 hours prior to the start of work for the purpose of identifying the location of underground utilities.
4. The Utility shall be responsible to contact the Superintendent regarding the field location of any underground traffic control devices on this project.
5. A copy of the Permit must be on the job site at all times for inspection (exception for emergency repair work). Failure to have the Permit available could result in suspension of the rights granted by the Permit.
6. Work, day, and time constraints shall be conditions of the Permit.
7. If it becomes necessary to open the roadway surface in a larger area than specified in the Permit, the Utility or Contractor shall apply to the Town of Seekonk to amend the Permit to cover the project.
8. The Utility or Contractor shall notify the Town of Seekonk within 14 days after completion of the physical work.
9. No portion of the work shall be sublet to any subcontractor without first giving the permitting authority due notice in writing of such intention. No subcontractor shall be employed who is unsatisfactory to the Town of Seekonk.
10. The contractor shall employ only competent and efficient laborers and first-mechanics or artisans for every kind of work, and whenever, in the opinion of the Superintendent, any person is unfit to perform their task, or does their work contrary to directions, or conducts themselves improperly, the contractor must remove that person from the job site.
11. Before any work is started under this application, the applicant shall provide a bond and/or certificate of insurance indicating insurance is in effect and shall not be discontinued or canceled without fourteen (14) days notice to the Town of Seekonk for insurance in the amount of at least: General Insurance \$1,000,000.00 per occurrence, \$3,000,000.00 general aggregate, Auto liability of \$1,000,000.00 combined single limit, Workers compensation limits of Statutory benefits and \$500,000.00 of Employers liability insurance, AND a \$1,000,000.00 Umbrella policy. Explosion, Collapse and Underground Liability shall be included.

The Board of Selectmen shall establish permit fees in accordance with Category 5B Departmental Fees.

#### **Section 4 – Work Standards**

1. All work shall be in compliance with the MassDOT Standards as it pertains to utility and street excavations and repairs unless modified by these standards. Utilities or Contractors should check with MassDOT and the Public Works Department for latest performance specifications and standards.
2. The Utility or Contractor shall be responsible for any settlement that may occur as a result of the work done in accordance with the Permit.
3. The Utility or Contractor shall be responsible for the ponding of water that may develop within the roadway which was caused by this work.

4. In the event a street opening failure presents a nuisance or a public safety problem, the Utility or Contractor shall respond to all trench and pavement restoration requests by the Town of Seekonk within 48 hours. Non-response within the specified time will result in the required restoration work being done by the Town of Seekonk, with all expenses to be paid by the Utility or Contractor. The Utility or Contractor shall reimburse the Town of Seekonk for the invoiced amount within thirty (30) days.
5. Failure to respond to trench and pavement restoration requests may result in denial of future Permit requests.

### Section 5 – Safety

1. Provisions shall be made for the safety and protection of pedestrian traffic during the construction period.
2. Prior to excavating the Utility or Contractor shall be responsible to schedule all traffic detail officers, furnish and erect all required signs, traffic safety devices, and whenever possible maintain a normal traffic flow.
3. Cones and non-reflecting warning devices shall not be left in operating positions on the highway when the daytime operations have ceased. If it becomes necessary for the Town of Seekonk to remove any construction warning devices or the appurtenances from the project due to negligence by the Utility or Contractor, all costs for this work will be charged to the utility.
4. Flashing arrow boards will be used as directed when operation occupy the roadway and shall be available for use at all times.
5. All signs and devices shall conform to the 2009 edition, with Revisions 1 and 2, dated May 2012 or subsequent edition, or revisions to the Manual on Uniform Traffic Control Devices (MUTCD).
6. Efforts shall be made to maintain normal traffic flow, but interruptions or obstructions to traffic shall be defined by conditions of the Permit.
7. When, in the opinion of the Town of Seekonk, the work constitutes a hazard to traffic in any area the Utility or Contractor may be required to suspend operations during certain hours and to remove any equipment from the roadway.
8. When a snow or ice condition exists during the progress of this work, the Utility or Contractor shall keep the area affected by the work safe for travel. The Town of Seekonk may restrict work during snow, sleet, or ice storms and subsequent snow removal operations.
9. The highway surface shall be kept clean of debris at all times and shall be thoroughly cleaned at the completion of the work.
10. At the completion of the work done in accordance with the Permit, all disturbed areas shall be restored to a condition equal in kind to that which existed prior to the work.
11. Blasting, if necessary, shall be done in accordance with state law and local By-laws.
12. All federal, state, and local safety regulations shall be followed.
13. In connection with the Permit, the Utility or Contractor shall assume responsibility for risks and casualties of every description, for loss or injury to persons and property arising out of the nature of the work, from the action of the elements or from any unforeseen or unusual difficulty.

### Section 6 – Protection of Adjoining Facilities

1. If directed by the Superintendent, photographs shall be taken prior to the start of work to insure restoration of designated areas to their former conditions within the limits of the work areas. Copies of the photographs shall be delivered to the Public Works Department.
2. Care must be taken to not interfere with underground structures that exist in the area.
3. Care shall be exercised not to disturb (a) any subsurface traffic duct system. Any such system, if disturbed, shall be restored immediately to its original condition; (b) any traffic loop detector. Any such detector, if disturbed, shall be replaced immediately.
4. The Utility or Contractor shall be responsible to replace all pavement markings in kind which have been disturbed as a result of work done in accordance with the Permit. These pavement markings shall be temporarily replaced at the end of each work day by use of appropriate signage, lighted safety barrels and asphalt markings approved by the Town of Seekonk. These pavement markings shall be permanently restored within ten (10) days after the work has been completed or as deemed necessary by the Superintendent.
5. Existing guardrail that may be removed or damaged shall be replaced to current MassDOT Standards.
6. The Utility or Contractor will be responsible for any damage caused by its operation to curbing, structures, roadway, etc.
7. No trees shall be cut or removed under this Permit.
8. Hand digging shall be required around roots of trees.
9. Tree Removal
  - a. The Utility or Contractor shall obtain written permission from the tree warden of the Town of Seekonk if it becomes necessary to remove any tree(s). Replacement trees must be obtained from an established nursery in accordance with "American Standard for Nursery Stock" dated April 14, 2014 or subsequent edition. The trees will be replaced in size and species as directed by said tree warden.
  - b. The tree stump shall be removed a minimum of six inches below the surrounding surface and all debris shall be disposed of outside the right-of-way line.
  - c. The tree shall be removed under the supervision of a qualified tree surgeon.
10. Every effort shall be made to protect bound markers. However, if it becomes necessary to remove and reset any bound marker, the Utility or Contractor shall hire a Massachusetts Registered Professional Land Surveyor to perform this work. It shall be the responsibility of the land surveyor to submit to the Town of Seekonk a statement in writing and a plan containing his stamp and signature showing that said work has been performed.

## Section 7 – Excavations

1. All excavations shall comply with M.G.L. c.82A, §1-5.
2. The surface of a roadway to be excavated for utility or other work shall be cut in reasonably straight and parallel lines using a saw or other accepted method to insure the least amount of damage to the roadway surface. The pavement, including reinforcing steel on concrete roadways, shall be cut the full depth of surfacing. The excavation shall only be between these lines. The cutting operation shall not be done with a backhoe, gradall or any type of ripping equipment.

3. Steel plates used by a Utility or Contractor to protect an excavation shall be of sufficient thickness to resist bending, vibration, etc., under traffic loads and shall be anchored securely to prevent movement. If these conditions are not met, the Utility or Contractor will be required to backfill and pave the excavations daily. No open trench shall be left unattended overnight.
4. Sheeting, shoring or bracing, if employed, shall be left in place and cut off two (2) feet below the surface at the discretion of the Superintendent.
5. When a Utility or Contractor installs a service lateral to a customer an opening may be made over the common supply line to make the proper connection, however the service should be bored or driven the remainder of the way where possible.
6. Excavations shall be signed in accord with the applicable MUTCD standards.

### Section 8 – Backfill and Compaction

1. In restoring municipal streets, lanes and highways, Utilities or Contractor may utilize approved backfill material compacted to achieve soil density values of 95% modified Proctor density (as described in AASHTO T180), which may include, as the conditions warrant and at the discretion of the Superintendent, the use of Controlled Density Fill.  
Backfill shall be placed in uniform layers, not exceeding twelve inches (12") in depth, and each layer shall be mechanically tamped to assure adequate compaction. The top twenty inches (20") of trench backfill shall consist of the following: 1) Fifteen inches (15") of approved select gravel (placed and compacted in two uniform layers) and 2) Five inches (5") of bituminous concrete Type I pavement (placed and compacted in two (2) equal layers).
2. Street Restoration Standards  
Compliance with these standards will insure satisfactory compaction. These standards are to be used in the field when there is an absence of sieve analysis of materials, Proctor values of the soils and the corresponding inability to utilize a nuclear density gauge or sand cone field density test. The Utility or Contractor shall have the right, at its own expense, to verify compaction through an independent, qualified engineering consulting firm. In the event of test failure, the Utility or Contractor shall be responsible for re-compacting the excavation to meet the required standards.
3. Suitability of Backfill Material
  - a. This section addresses suitability of materials to obtain an adequate level of compaction.
  - b. Suitable backfill material is free of stones larger than half the size of the compacted lift as provided for in MassDOT Standards, construction debris, trash, frozen soil and other foreign material. It consists of the following:
    - i. Well graded gravel and sand;
    - ii. Poorly graded gravel and sand;
    - iii. Gravel-sand mixtures with a small amount of silt;
    - iv. Gravel-sand mixtures with a small amount of silt and trace amounts of clay.
  - c. Unsuitable backfill materials consist of the following:
    - i. Inorganic silts and clays;
    - ii. Organic silts;
    - iii. Organic soils including peat, humus, topsoil, swamp soils, mulch, and soils containing leaves, grass, branches, and other fibrous matter.
4. Evaluation of Excavated Soil
  - a. The soil excavated from a trench shall be evaluated by the Superintendent to determine whether or not it is suitable as a backfill in accordance with Subsection.
  - b. An excavated soil that has been evaluated as suitable for backfill shall be reused.

- c. The Utility or Contractor shall have the right, at its own expense, to verify backfill suitability through an independent, qualified engineering consulting firm.
  - d. An excavated soil that has been evaluated as unsuitable for backfill shall be removed from the site and disposed of properly.
  - e. New material, which meets the requirements of Subsection 8.3, shall be brought in to replace excavated soil found to be unsuitable.
5. Backfill and Compaction of Excavations
- a. Backfill and compaction shall be performed in accordance with MassDOT Standards.
  - b. All leak detection holes (i.e., bar holes) shall be filled in lifts with an appropriate mineral filler and compacted to the bottom of the pavement.
6. If required by the Superintendent, compaction verification shall be performed by the Utility or Contractor to assure that 95% modified Proctor density has been achieved.
7. A color coded marking tape shall be placed at least eighteen inches (18") and not greater than two and one-half feet (2' 6") below final grade above all underground utility installations except sewers and drains running in straight lines between surface catch basins, manholes, or posts identifying the underground installation. Tape shall be durable, non-degradable plastic, not less than two inches (2") wide by .004 inches thick and in the following colors for the particular underground utility:
- |        |   |                |
|--------|---|----------------|
| Blue   | - | Water          |
| Red    | - | Electric Cable |
| Yellow | - | Gas            |
| Orange | - | Telephone      |
| Green  | - | Sewer          |

**Section 9 – Pavement Restoration**

- 1. The Utility or Contractor shall be responsible to replace all pavement disturbed by work under the Permit with homogeneous and in-kind pavement, unless otherwise stipulated, to the original strength and condition.
- 2. Single gradation (Type 1, surface course) bituminous concrete patches may be used when the existing pavement depth is less than three inches (3"), provided that the new patch is installed to a depth 1 inch (1") greater than the surrounding pavement.
- 3. Single gradation (Type 1, binder course) bituminous concrete may be used where post grind and inlay method is a condition of the Permit. Minimum allowable depth of pavement shall be four inches when utilizing the grind and inlay method. When the grind and inlay method is performed, the surface of the pavement shall be uniformly ground and removed to a minimum depth of one point five inches (1.5") for subsequent pavement replacement. The grinding procedure shall provide a twelve inch (12") cutback into existing undisturbed pavement and shall encompass all disturbed pavement areas of the excavation. Grinding shall be done in reasonable straight lines.
- 4. All non-emergency pavement excavations shall be repaired with same day permanent patches unless specifically exempted in the permit.
- 5. Same day patches installed in conformance with these standards must be monitored for a period of two (2) years, and are subject to re-excavation and repair in accordance with all other standards set forth herein. Restoration of single patches up to five feet by seven feet (5' X 7') in area shall be by the infrared method, unless another method is agreed to by the Town of Seekonk.
- 6. Immediately following the procedures outlined in the section for Backfill and Compaction, the adjacent pavement shall be cut back, full depth, to encompass all disturbed pavement areas and underlying cavities

associated with the excavation. Any necessary cutbacks shall be done in reasonably straight and parallel lines.

7. All existing pavement surfaces shall be swept clean of dirt, dust, and debris prior to patching. The existing vertical pavement surfaces shall be tack coated with an appropriate asphalt tacking material prior to patching and subsequent to cleaning.
8. Pavement repair depths shall equal or exceed adjoining pavement depths. When existing pavement depths are greater than two inches (2"), pavement repairs shall be made utilizing Type 1, binder course in the underlying patch courses. The wearing surface shall be a minimum 1.5 inches (1.5") of Type 1, surface course. Pavement courses shall not exceed two inches. All pavement courses shall be thoroughly compacted prior to placement of subsequent courses.
9. If the length of the trench for any permit exceeds the width of the roadway of that area, one and one half feet (1' 2") asphalt repaving of the traffic lane impacted will be required. This may include cold planing of the existing pavement if it is deemed necessary by the permitting authority. Appropriate keyways shall be used where new pavement joins with existing pavement. Joints shall be treated with an infrared restoration process approved by the Superintendent for pavement less than five (5) years old. Joints shall be treated with a joint sealant approved by the Superintendent for pavement greater than five (5) years old.
  - a. On streets that have been resurfaced within the previous five (5) years, the entire width of the roadway shall be overlaid with a fifteen inch (15") machine laid dense mix conforming to MassDOT standards. Where the trench is to one side of the street or perpendicular to the direction of traffic, the width of the fifteen inch (15") overlay shall be a minimum of twelve feet (12"), (six feet (6') either side of the center line of the trench where possible) unless approval to omit the overlay has been granted in writing by the Public Works Superintendent.
  - b. If utility manholes or castings have to be raised or otherwise adjusted in height or location, the existing pavement shall be removed for a minimum distance of two feet (2') from the edge of the casting. The thickness of the bituminous concrete paving within this area shall be gradually transitioned from four inches (4") minimum at the perimeter of the patch to the full depth of the casting. This area near the casting should be compacted with extra care to assure that good densification occurs around the manhole.
10. All leak detection holes (i.e., bar holes) shall be filled to refusal with an appropriate asphalt filler to a depth equal to the surrounding pavement depth.
11. Temporary pavement repairs shall be permitted under the following conditions:
  - i. Emergency Repair Work completed outside normal Monday through Friday working hours.
  - ii. Work performed between December 1 and March 30 when, bituminous concrete is not available on a daily basis.
  - iii. Excavation which shall be reopened within five (5) working days.
12. The Utility or contractor shall make every effort to limit excavations conducted under the aforementioned conditions.
13. All excavation, backfill, and compaction work associated with temporary patches shall be performed in accordance with these standards.
14. Temporary patches shall be made with high-performance cold patch or Type 1, bituminous concrete to a minimum depth of two (2") inches. Temporary patches made between December 1<sup>st</sup> and March 30<sup>th</sup> shall be maintained until a permanent patch can be installed, not later than May 1<sup>st</sup>. Temporary patches made

between April 1<sup>st</sup> and November 30<sup>th</sup> shall be removed and replaced with a permanent patch as outlined above within five (5) working days.

15. The Utility or Contractor shall be responsible to maintain temporary patches in a safe condition for all types of travel until a permanent pavement repair has been made.
16. The Town of Seekonk shall have jurisdiction to determine the pavement repair method to be utilized on all pavements which have been installed for less than five years (5).
17. Completed pavement repairs shall not deviate more than zero point two five inches (0.25") from the existing street surface.
18. No less than thirty (30) days and no more than sixty (60) days from the completion of the permanent pavement repair, the Utility or Contractor shall inspect the excavation for settlements, cracking and other pavement defects. Any such excavation which has required repair shall then be re-inspected no less than thirty (30) days and no more than sixty (60) days from the completion of the subsequent repair. The Utility or Contractor shall further inspect all excavations after a one-year time period. Pavements that deviate more than zero point two five inches (0.25") from the existing street surface shall be repaired by the infrared or grind and inlay methods. Surface or joint cracking zero point two five inches (0.25") wide or greater shall be repair utilizing a modified asphalt pavement sealant.
19. The Utility or Contractor shall prepare, document and maintain records of these inspections and make them available to the Town of Seekonk upon request.
20. All excavations made within concrete roadways shall be repaired with concrete in depths equal to the existing concrete.
21. Concrete used for repairs shall conform to the requirements of MassDOT Standards for concrete roadway construction.
22. Clean Up
  - a. The work area and the adjacent areas affected by the progress of the work shall be kept clean. All rubbish, surplus materials and unneeded construction equipment shall be removed. All damage to adjacent areas shall be repaired immediately so as to minimize inconvenience to the general public and the property owners.
  - b. All damage repairs shall be the sole responsibility of the contractor.
  - c. Material or debris from the contractor's operations which have washed into, flowed into, or been placed in water courses, ditches, gutters, sanitary sewers, drains, catch basins, or elsewhere, shall be removed entirely and satisfactorily disposed of during the progress of the work. The water courses, ditches, gutters, sanitary sewers, drains, catch basins, and other repositories of material or debris shall be kept in a clean and neat condition thereafter. The contractor shall restore or replace, at the direction of the Superintendent, any public or private property damaged by the work, equipment, or employees to a condition at least equal to the condition existing immediately prior to the beginning of operations. To this end, the contractor shall complete all required driveway, highway, front walk and landscaping work. Suitable materials, equipment and methods shall be used for such restoration. The contractor shall save harmless the Town of Seekonk from any damage claims caused by the operations.

## **Section 10 – Sidewalks and Driveways**

1. All work shall be performed in accordance with 521 CMR Rules and Regulations of the Architectural Access Board (AAB) and Americans with Disabilities Act (ADA), and MassDOT Standards, as well as any more stringent municipal guidelines.

2. New or repaved driveways that will meet an existing finished pavement grade must have a minimum 5% slope for a minimum of 5' toward the finished pavement.
3. A sidewalk area that is disturbed shall be restored, full width, in kind a minimum of one foot beyond the disturbed area for bituminous concrete and to the next joint line for concrete.
4. Bituminous concrete sidewalks shall be placed in two equal one and one half inch to two inches (1 1/2" to 2") layers after compaction.
5. Concrete sidewalks shall be placed, full width, four inches (4") minimum thickness or match the existing thickness of concrete. Driveway aprons shall be placed, full width, six inches (6") minimum thickness or match the existing thickness of concrete.

### **Section 11 – Compliance with These Standards**

1. Utilities or Contractor shall file with the Public Works Department, by May 1<sup>st</sup> of each year, written statements or policies designed to insure that managers, supervisors and other distribution personnel are aware of, and held accountable to, these Standards.
2. Utilities or Contractor shall track the success and failures of their programs to include the restorations and the inspections of such restorations. Utilities or Contractor shall specify the number of failed restorations compared to the total number of restorations made during the preceding calendar year, the number of failures reported by a party other than a utility inspector and the age of the failed restoration.
3. Utilities or Contractors shall record the number of failed restorations encountered during the inspections required in Section 9.19. They shall also document the cause of the failure and their policy changes to prevent the recurrence of a similar failure.
4. Utilities or Contractors shall record the number of failed restorations and cost incurred when the Town of Seekonk performed the corrective action in accordance with Section 4.4.

### **Section 12 – Moratoriums**

1. Whenever the Board of Selectmen has approved the plans to resurface or reconstruct a street, the Superintendent will, within thirty (30) days of such action by the Board of Selectmen, give notice to the Town departments, the Seekonk Water District and other utilities, and the owner of each parcel of real estate that has frontage on such street. Upon receipt of such notice, such department, utility or owner (collectively referred to as "Person") shall have sixty (60) days in which to install or lay any pipes, wires or other facilities under the roadway. If an extension of time is needed by a Person for the installation of such facilities, the Person shall make a written application to the Superintendent explaining fully the reasons for requesting such an extension of time.
2. No permit shall be granted to open a street that has been resurfaced or reconstructed for a period of five (5) years unless in the judgement of the Board of Selectmen an emergency condition exists.
  - a. If a permit is granted, the Town of Seekonk may impose such conditions on the Permittee as the Town of Seekonk deems necessary to preserve the structural condition of the pavement and to blend the permanent patch with the existing affected pavement.
  - b. The Permittee shall guarantee the integrity of the permanent patch and the existing affected pavement through a surety determined by the Superintendent for a period extending one year beyond the end of the moratorium date for that section of road.

### **Section 13 – Violations**

Any person who violates any provision of this bylaw, or permit issued there under, shall be punished by a fine. As an alternative to criminal prosecution or civil action, the Town of Seekonk may elect to utilize the non-criminal disposition procedure set forth in M.G.L. c.40, §21D and CATEGORY 39 Enforcement of the General Bylaws of the Town of Seekonk, in which case the Superintendent shall be the enforcing party.

Any individual who violates this By-law shall be subject to fines in accordance with Category 39 of the By-law and the fine schedule established in Attachment A.

## CATEGORY 18A – Curb Cuts and Driveways

### Section 1 – Purpose and Scope

The purpose of this bylaw is: to provide the necessary safeguards to the Town's right-of-ways while serving its property owners with an orderly means to access their property.

### Section 2 – Definitions

**CURB CUT**-means the location where a town street or way intercepts with a parcel of land to provide the location for a driveway.

**DRIVEWAY**-means a private entrance serving as a means of a vehicular access to a parcel of land abutting a town street or way.

**PROPERTY OWNER**-means the owner of Real Estate including, Residential, Commercial or Industrial property.

### Section 3 – Permit Requirements

1. All property owners are required to apply to the Superintendent of Public Works for a permit for any of the following:
  - a. New construction
  - b. Replacement of existing driveway
  - c. Installation of new driveway
2. The application fee shall be waived for replacement of an existing driveway provided no changes are made to the location or width within the Town right-of-way. Any changes in location or width shall result in payment of the application fee.
3. All work shall be performed in accordance with the regulations set forth in the general By-law Category 18 – Right-of-Way Openings.
4. The property owner shall be responsible for maintaining the affected area of the town's right-of-way in a safe and suitable condition for vehicles and pedestrians for a period of five (5) years commencing at the completion of the work as determined by the Superintendent of Public Works. A property owner who fails to maintain the affected area of the town's right-of-way in a safe and suitable condition, will be subject to and responsible for the following:
  - a. Payment to the Town of Seekonk for all repairs necessary as a result of unsafe or unsuitable work in the town's right of way performed pursuant to the issuance of a curb cut or driveway permit.
  - b. As an alternative to criminal prosecution or civil action, the Town may elect to utilize the non-criminal disposition procedure set forth in M.G.L.,c.40, §21D and Category 39 Enforcement of the General Bylaws of the Town of Seekonk, in which case the Superintendent of the Department of Public Works shall be the enforcing party.